

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

LAUREL BUTTS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:21-03185-CV-RK
)	
SUSAN C MARTEL, et al;)	
)	
Defendants.)	

ORDER

Before the Court is a motion to remand filed by Interpleader Defendants Susan C. Martel, individually and as successor co-trustee under the trust agreement of Donald R. Butts dated June, 2013, and Judy K. Salazar, individually as successor co-trustee under the trust agreement of Donald R. Butts dated June 28, 2013. (Doc. 18.) The deadline for filing suggestions in opposition has passed and no opposition has been filed.

Diversity jurisdiction under 28 U.S.C. § 1332(a) requires an amount in controversy greater than \$75,000 and complete diversity of citizenship among the litigants. Federal Rule of Civil Procedure 12(h)(3) provides that “[w]henever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.” Here, Interpleader Defendants assert, and the Court finds, that the dismissal of Defendant/Interpleader Plaintiff Genworth Life and Annuity Insurance Company (“Genworth”) upon the Court’s entry of its August 24, 2021 Order granting interpleader and dismissing Genworth with prejudice from this case destroyed diversity jurisdiction, as all remaining parties are citizens of the state of Missouri. The Court therefore lacks subject matter jurisdiction over this case.

Accordingly, the Court **ORDERS** as follows:

- (1) Interpleader Defendants’ unopposed motion to remand (Doc. 18) this case is **GRANTED**.
- (2) This case is **REMANDED** to the Circuit Court of Greene County, Missouri pursuant to 28 U.S.C. § 1447(c).

- (3) The Clerk of Court is directed to disburse the interpleader funds for this case currently deposited in this Court's registry to the Greene County Circuit Clerk, at 1010 N. Boonville Ave, Springfield, MO, 65802, for deposit in the registry of the Greene County Circuit Court pending further order of that court.

IT IS SO ORDERED.

/s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: September 9, 2021